

BURNHAM BROWN

Robert M. Bodzin, State Bar No. 201327

P.O. Box 119

Oakland, CA 94604

Telephone: (510) 835-6833

Facsimile: (510) 835-6666

rbodzin@BurnhamBrown.com

[Additional Counsel Listed on Signature Page]

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

WILLIAM HELM, DEBORAH PRISE,
HEATHER P. RADY, et al., on behalf of
themselves and all other employees and former
employees similarly situated,

Plaintiffs,

v.

ALDERWOODS GROUP, INC.,

Defendant.

) Case No. CV 08-1184-SI

) **STIPULATION TO FILE DOCUMENT**
) **UNDER SEAL; [PROPOSED] ORDER**

) & C-09-1190 SI

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION

Previously, Plaintiffs and Defendants agreed to, and the Court entered, a Stipulated Protective Order Pursuant to Fed. R. Civ. P. 26(C). (*Bryant* Docket No. 112; *Helm* Docket No. 124). That Protective Order, *inter alia*, set out a procedure permitting parties to designate certain discovery materials “CONFIDENTIAL.” In response to discovery demands in this case, Defendants have designated certain documents “CONFIDENTIAL” pursuant to the Protective Order, and Plaintiffs have not currently challenged some of those designations.

Pursuant to Civil Local Rules 79-5 and 7-12, Plaintiffs and Defendants in these matters, through their undersigned counsel, hereby stipulate that in responding to Defendants’ pending motions to dismiss, Plaintiffs may file under seal pursuant to the Protective Order the following documents, each of which has been designated “CONFIDENTIAL” by Defendants:

1. SCI Cash Balance Plan, bates number SCI(BRY) 00196 - 00271
2. “SCI 401(K) Retirement Savings Plan” Documents, bates number SCI(BRY) 00015 - 00195
3. Employee Handbooks, bates number SCI(BRY) 00272 - 00410
4. Flowcharts, bates number SCI(BRY) 00411 - 00414
5. Written agreements executed by Curtis Briggs, bates number CBRIGGS 0009 – 0029
6. Transcript of the deposition of Thomas Ryan taken on April 22, 2009
7. Plaintiffs’ Opposition to Defendants’ Motion to Dismiss Amended Complaint Pursuant to FRCP 12(b)(6) (Lack of *In Personam* Jurisdiction) or, Alternatively, FRCP 12(b)(6) (Failure to State a Claim Upon Which Relief Can be Granted), which describes and quotes from materials Defendants have designated as “CONFIDENTIAL”
8. Plaintiffs’ Consolidated Declaration of Sarah Cressman in Opposition to Defendants’ Motions to Dismiss, for Partial Judgment on the Pleadings, and to Strike and Require a More Definite Statement and Motions for Stay and Award of Attorney Fees and Costs Pursuant to FRCP 41(d), which describes and quotes from materials Defendants have designated as “CONFIDENTIAL”

AGREED TO:

/s/ Annette Gifford
Thomas & Solomon LLP
693 East Avenue
Rochester, New York 14607
Telephone: (585) 272-0540

Attorneys for Plaintiffs

/s/ Nicholas P. Forestiere
Gurnee & Daniels LLP
2240 Douglas Boulevard, Suite 150
Roseville, California 95661
Telephone: (916) 797-3100

Attorneys for Defendants

ORDER

Pursuant to the Stipulation of counsel and good cause appearing, the Court hereby orders that, in responding to Defendants' pending motions to dismiss, Plaintiffs may file under seal pursuant to the Protective Order the following documents, each of which has been designated "CONFIDENTIAL" by Defendants:

1. SCI Cash Balance Plan, bates number SCI(BRY) 00196 - 00271
2. "SCI 401(K) Retirement Savings Plan" Documents, bates number SCI(BRY) 00015 - 00195
3. Employee Handbooks, bates number SCI(BRY) 00272 - 00410
4. Flowcharts, bates number SCI(BRY) 00411 - 00414
5. Written agreements executed by Curtis Briggs, bates number CBRIGGS 0009 – 0029
6. Transcript of the deposition of Thomas Ryan taken on April 22, 2009
7. Plaintiffs' Opposition to Defendants' Motion to Dismiss Amended Complaint Pursuant to FRCP 12(b)(6) (Lack of *In Personam* Jurisdiction) or, Alternatively, FRCP 12(b)(6) (Failure to State a Claim Upon Which Relief Can be Granted), which describes and quotes from materials Defendants have designated as "CONFIDENTIAL"
8. Plaintiffs' Consolidated Declaration of Sarah Cressman in Opposition to Defendants' Motions to Dismiss, for Partial Judgment on the Pleadings, and to Strike and Require a More Definite Statement and Motions for Stay and Award of Attorney Fees and Costs Pursuant to FRCP 41(d), which describes and quotes from materials Defendants have designated as "CONFIDENTIAL"

IT IS SO ORDERED:



Honorable Susan Illston

United States District Court